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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,308	06/27/2003	David T. Campbell	MS1-1562US	8029
22801	7590	09/22/2005	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			FIGUEROA, MARISOL	
			ART UNIT	PAPER NUMBER

2681

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/609,308

Applicant(s)

CAMPBELL, DAVID T.

Examiner

Marisol Figueroa

Art Unit

2681

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 July 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 18-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This Action is in response to Applicant's amendment filed on July 18, 2005. Claims 18-24, and 26 are now pending in the present application.

#### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 18-19, and 26** are rejected under 35 U.S.C. 102(e) as being anticipated by **Hunzinger et al. US 6,748,217 B1.**

**Regarding claim 26**, Hunzinger discloses a wireless communication device comprising:

an antenna module configured to receive a multiple radio frequency (RF) signals (col.3, lines 37-38; note that in order for a mobile station be capable of receiving and transmitting data to a base station it is inherent it needs an antenna for the reception and transmission of signals);

instructions stored in a memory executable on the processor to store location communication networks available to a user and determine from the digital signal information available communication networks to the user (Abstract; col.1, lines 66 – col.2, lines 1-22, 27-32, 48-54; col.4, lines 17-27; the mobile station executes a system selection algorithm that use the current

location information of the mobile station and a database of system providers based on position information to determine systems available to it), and

a GPS module configured to receive RF signals from GPS satellites through the antenna module and analog digital converter indicating location of the wireless device (col.1, lines 66 – col.2, lines 1-4; col.2, lines 39-44), wherein the instructions are further comprised of a map that indicates to a user relative location of the wireless communication device (Abstract, lines 14-17; col.2, lines 10-15, 47-56; col. 4, lines 17-27). Although Hunzinger doesn't explicitly disclose that the mobile station, i.e. wireless communication device, comprises a processor, a memory, and an analog to digital converter, these are inherent features of a mobile station, because it perform a system acquisition process, which needs a processor to execute this process which require instructions or an algorithm stored in a memory, e.g. RAM, ROM, furthermore because the mobile station's operates on digital data and the antenna receive analog signals, the A/D converter is a necessary component of the mobile station.

**Regarding claim 18**, Hunzinger discloses the wireless communication device of claim 26, wherein the instructions are further comprised to send call forwarding instructions to service providers based on conditions set by the user (col.5, lines 11-20; calls from/to the mobile station are routed through the most desirable system looking a system selection database that include user zone priority).

**Regarding claim 19**, Hunzinger discloses the wireless communication device of claim 18, wherein the call forwarding instructions are to forward calls to a particular carrier network (col.1, lines 66 – col.2, lines 1-10; the calls are routed to the selected network based on the position of the mobile station with respect to the service system).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 22-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hunzinger** in view of **Bridges et al. US 6,546,246 B1**.

**Regarding claims 22 and 23**, Hunzinger discloses the wireless communication device of claim 26, but fails to disclose wherein the instructions are further comprised to store service set identifier numbers of wireless area networks accessible by the user and the wireless communication device. Bridges disclose a mobile station which includes a memory that stores a list or preferred wireless carrier identities for use by the mobile station when roaming and a selector that automatically selects a preferred wireless carrier when the mobile station is roaming and enters one of the market areas of the plurality of market areas (Abstract) and the list comprises a plurality of entries indicating a system identification number (col.6, lines 5-11). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to store service set identifier numbers of wireless area networks accessible by the wireless communication device as suggested by Bridges, because by stored system identification numbers in the wireless communication device determines its capability to operate in a network.

6. **Claim 24** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Hunzinger** in view of **Bridges et al.**, and further in view of well known prior art (MPEP 2144.03).

Regarding claim 24, Hunzinger discloses the wireless communication device of claim 26, Hunzinger fail to disclose wherein the instructions are further comprised to store system identification number (SID) and access information of cellular networks accessible by the wireless communication device. Bridges disclose a mobile station which includes a memory that stores a list or preferred wireless carrier identities for use by the mobile station when roaming and a selector that automatically selects a preferred wireless carrier when the mobile station is roaming and enters one of the market areas of the plurality of market areas (Abstract) and the list comprises a plurality of entries indicating a system identification number (col.6, lines 5-11). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to store service set identifier numbers of wireless area networks accessible by the wireless communication device as suggested by Bridges, because by stored system identification numbers in the wireless communication device determines its capability to operate in a network. However, Hunzinger and Bridges fail to disclose wherein the instructions are further comprised of access information of cellular networks accessible by the wireless communication device. The Examiner takes Official Notice that is notoriously well known to store access information of cellular networks in a wireless communication device because this information makes possible the connection of the wireless communication device to a network in order to obtain service. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to store access information of cellular networks accessible to a wireless communication device, in order to communicate with a network when determined is the preferred network to route or forward a communication.

7. **Claims 20-21** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hunzinger** in view of **Dunn et al. US 6,591,103 B1**.

**Regarding claim 20**, Hunzinger discloses the wireless communication device of claim 18, wherein the conditions are based on lowest cost to operate for a particular communication service. Dunn discloses a wireless telecommunication system in which it is determined which networks and base stations are potential carrier for a call in base of the location and preferences of a user device, for example costs to operate (Abstract, lines 8-17; col.7, lines 12-23, 55-56; col.7, lines 59-65). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to set conditions for selecting a network based on lowest cost to operate as suggested by Dunn, because lowering costs of a wireless service provides more savings to a user.

**Regarding claim 21**, Hunzinger disclose the wireless communication device of claim 18, but fails to disclose wherein the conditions are based on quality of service for a particular communication network. Dunn discloses a wireless telecommunication system in which it is determined which networks and base stations are potential carrier for a call in base of the location and preferences of a user device, for example costs to operate and quality of service (Abstract, lines 8-17; col.7, lines 12-23, 55-56; col.7, lines 59-65; col. 9, lines 44-49). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to set conditions for selecting a network based on quality of service for the particular network as suggested by Dunn, because the quality of a service is preferred for avoiding the inconvenience of dropping calls and interference on a call.

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marisol Figueroa whose telephone number is (571) 272-7840. The examiner can normally be reached on Monday Thru Friday 8:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Marisol Figueroa  
Art Unit 2681

  
RAFAEL PEREZ-GUTIERREZ  
PRIMARY EXAMINER  
9/19/05